

Meeting Title:	Workforce and Education Committee		
Date:	10/05/2019	Agenda No	
Report Title:	Guardian of Safe Working Consolidated Annual Report 2018/19		
Lead Director/ Manager:	Dr Richard Jennings		
Report Author:	Dr Serena Haywood, Guardian of Safe Working		
Freedom of Information Act (FOIA) Status:	Unrestricted Restricted		
Presented for:	Approval Update	Decision Steer	Ratification Review Action
Assurance	Discussion		
Executive Summary:	<p>This paper summarises progress to the year ending 31 March 2018 in providing assurance that doctors are safely rostered and enabled to work hours that are safe</p> <p>A total of 369 exceptions were reported in 2018/19 which is a significant reduction from last year with 703 exception reports. But 15 were highlighted as an immediate safety concerns compared with 5 immediate safety concerns raised reported in the last annual report .</p> <p>Fines totalling of £2,238.57 were levied for breaches of the 48 hour average working week limit including deprivation of rest periods one leading to concerns being raised about a trainee's welfare and remedial measures being put in place. The total fine monies stood at £9322.49 until disbursement of £5000 to contribute to the online information webpage UpToDate in the fourth quarter. Fines totally £44,088.45 levies to the medical microbiology department were cancelled on rota review.</p> <p>Two formal Work schedule reviews took place for 2 doctors in one specialty (a reduction from 13 doctors across four specialties from last year) with both resolving at the Level 1 stage with compensation and employment of staff to fill the rota gaps. Informal departmental discussions led to organisational changes being made including use of physician associates.</p> <p>The latest information indicates that there are 46 vacancies at the ST1-2, ST3+ and Clinical Fellow /Trust Doctor level at St George's which compares with 69 at the end of the year 2017/2018.</p>		
Recommendation:	<p>The Trust Board is asked to publish details of the guardian fines in the Trust's annual accounts</p> <p>The Trust Board is also asked to include information on rota gaps and the plan for improvement to reduce these gaps in the Trust's Quality Account</p>		
Supports			
Trust Strategic Objective:	Ensure the Trust has an unwavering focus on all measures of quality and safety, and patient experience.		
CQC Theme:	Safe		

Single Oversight Framework Theme:	Quality of Care		
Implications			
Risk:	Lack of robust information on rota gaps risks the Trust being unable to publish this information in the Trust's Quality Account		
Legal/Regulatory:	Compliance with the Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016		
Resources:	Electronic system for reporting information on rota gaps		
Previously Considered by:	None	Date	10/04//2019
Equality Impact Assessment:	N/A		
Appendices:	One (A)		

Guardian of Safe Working Consolidated Annual Report 2018/19
Workforce and Education Committee

1.0 PURPOSE

- 1.1 This paper provides assurance to the Board on the progress being made to ensure that doctors' working hours are safe for the year ending 31 March 2018
- 1.2 This report asks the board to report information on rota gaps and the plan for improvement to reduce these gaps in a statement in the Trust's Quality Account and publish details of the Guardian fines in the Trust's annual accounts

2.0 BACKGROUND

2.1 The 2016 Terms and Conditions of Service for Doctors in Training (TCS) have been implemented at St George's in line with the national timeline. During 2017/18, all doctors in training at St George's transferred onto these TCS. This included all GP trainees across South London for whom St George's is the Lead Employer.

2.2 The 2016 TCS clearly state the following:

"A consolidated annual report on rota gaps and the plan for improvement to reduce these gaps shall be included in a statement in the Trust's Quality Account, which must be signed off by the trust chief executive."

The 2016 TCS also state:

"The details of the guardian fines will be published in the organisation's annual financial report (accounts), which are subject to independent audit. The guardian's annual report will include clear detail on how the money has been spent"

2.3 The Guardian of Safe Working's consolidated annual report gives a summary of progress with implementation of the TCS, information on rota gaps and details on fines that have been levied and how these have been spent

3.0 ANALYSIS

- 3.1 A total of 369 workload or training related exceptions were reported by trainees in 2018/19. See Appendix A
- 3.2 Fifteen reports were highlighted as immediate safety concerns. These were addressed immediately by Consultant supervisors and assurance provided that no patients came to harm. The Guardian met with the trainees, educational supervisors and department leads
- 3.2 The vast majority of exceptions were reported due to doctors working over and above their hours (336). Eleven were reported as missed training opportunities due to work pressures and all of these were in surgical specialities
- 3.3 Nineteen exceptions (including 3 immediate safety concerns) were raised by cardiac surgery trainees who were working a non-compliant rota for 11 months including an average of 13 extra hours a week worked by each trainee per week and included reduction of rest periods from eight hours to zero hours due to service needs. On September 11 2018, cardiac surgical trainees were moved from St Georges to alternative placements. On the 8th February 2019 another immediate safety concern was raised this time by a cardiology ST3 due to workload in part created by the cardiology team taking over the cardiac surgical patients with no increase in staffing as a result. In all cases, the doctors were met and advice about staff recruitment and wellbeing was given. Further immediate safety concerns were raised in Emergency medicine (1), endocrinology (1), general surgery (2) and urology (1) The Guardian was reassured that training opportunities were not lost.
- 3.4 Two further immediate safety concerns were raised by ENT ST1s where absence of an SHO from the rota meant they had to do the work of a registrar in addition to her missing surgical training opportunities. Rest periods were also lost. Six exception reports were made in the first half of the year which dropped to zero by the second half. At the end of this year, one job was still out to advert.
- 3.5 There were 79 medical microbiology and infectious diseases exception reports made by 4 trainees from August 2017 due to an incorrectly prepared rota which resulted in them working in excess of the 44.75 hours a week agreed leading to 29 breaches of the 48 hour working week. An initial fine levied of £44,088.45 was dropped in the third quarter after reviewing the rota of the whole department in order to award backdated pay to all including those who had not exception reported. The case brought by the doctors represented by the BMA is awaiting conclusion as is a response from the rota software company.
- 3.5 A total of £2,238.57 in fines were levied as a response to the 3 reports from cardiac surgery where the rest period had been reduced from eight hours to zero due to the trainee having to remain on site for the entire 24 hour period; the Terms and conditions of Service state that in these cases the doctor will be paid for the additional hours worked that resulted in the shortening of the rest period at a penalty rate.
- 3.6 Of the fine monies, £5000 has been spent contributing to the PGME department trial period on the advice of a Junior Doctors' Forum Survey. Other money will be spent this year on an version of Greatix for the trainees and food for on call to be coordinated through the mess.

- 3.7 The Department of Health has promised money to junior doctors specifically for wellbeing but no amount or time scale has been announced other than this will be in the next financial year.
- 3.8 One formal Work schedule reviews took place for two trainees following an immediate safety concern raised by cardiology. This was a level one review and compensation and organisational changes took place with no changes to the rota of the doctors concerned.
- 3.8 Current data from medical staffing indicates that at the end of Quarter 4 there were 69 ST1-2, ST3+ and Clinical Fellow /Trust Doctor vacancies at St George's. This compares with 100 at the end of Q3 and 60 at the end of Q2. No data was available for Q1. No information has been available on unfilled shifts at St George's since the implementation of the 2016 TCS.

4.0 IMPLICATIONS

Risks

- 4.1 Lack of robust information on unfilled shifts risks the Trust being unable to publish rota gap information in its Quality Account. The information is currently available on request from HR but should be freely available and updated

Legal Regulatory

- 4.2 Terms and Conditions of Service for NHS Doctors and Dentists in Training (England) 2016

Resources

- 4.3 Implementation of an electronic system for collecting and reporting information on rota gaps is required

5.0 NEXT STEPS

- 5.1 Implementation timeline for an electronic system to collect robust information on rota gaps to be considered by the Trust
- 5.2 Junior Doctor's Forum to consider further plans for disbursement of fine monies and possible money available from the Department of Health in 2019
- 5.3 Guardian of Safe Working to continue to report on exceptions, fines and work schedule reviews.

6.0 RECOMMENDATION

- 6.1 The Trust Board is asked to include information on rota gaps and the plan for improvement to reduce these gaps in the Trust's Quality Account
- 6.2 The Trust Board is also asked to publish details of the Guardian fines in the Trust's annual accounts

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Appendix A: Exceptions reported 2018/2019

Division/specialty	Q1	Q2	Q3	Q4	Total
Surgery, Theatres, Neurosciences and Cancer					
general surgery	5	36 (2)	8	4	53
ENT	3	3			6
Plastic surgery	1		2	2	5
Neurosurgery					
Vascular surgery		2		5	7
Cardiac surgery		19(7)			19
Trauma and Orthopaedics					
Urology		10 (1)			10
Anaesthetics					
STNC Division Total: 100					
Medicine and Cardiovascular:					
Gastroenterology	8	7	2		17
Senior Health	1	6	2		9
Acute Medicine	4	9	11	20	44
Neurology				7	7
Renal Transplantation					
Cardiology		2		8(1)	10
Medical microbiology	79				79
Endocrinology	1	8 (1)	2	2	13
Respiratory		3	5	18	26
Oncology					
Haematology	2	1	2		5
Emergency Medicine		4 (1)			4
MedCard Division Total: 214					
Children and Women Diagnostics, Therapeutics and Critical Care					
Obstetrics and Gynaecology	6	3			9
Paediatrics	3	2	3		8
Neonatology	1	5	6	11	23
Intensive Care					
Paediatric Surgery			9		9
CWDT Division Total: 49					
Community Services					
Elderly Rehabilitation		3	1		4
Community Services Division Total: 4					
Lead Employer					
General Practice				2	2
Lead Employer Total:2					
Total: 369					

Brackets indicate that a work schedule review took place